

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

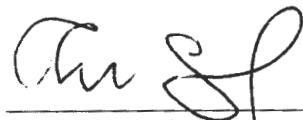
Felipe Penor Sanchez,)	
)	
Plaintiff,)	Civil Action No. 4:17-1734-RMG
)	
vs.)	
)	
Nancy A. Berrryhill, Acting Commissioner)	
of Social Security,)	ORDER
)	
Defendant.)	
)	
_____)	

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation ("R & R") on October 2, 2018 (Dkt. No. 19), recommending that the decision of the Commissioner be reversed and remanded to the agency because of multiple legal errors by the Administrative Law Judge in weighing Plaintiff's subjective symptoms. These included (1) a failure to consider the Plaintiff's lack of insurance and income as an explanation for the failure to pursue medical treatment during a portion of the time under consideration; (2) a lack of substantial evidence to support finding that objective medical evidence of record does not support Plaintiff's subjective complaints; (3) a failure to consider the opinions of Dr. Velky under the standards of the Treating Physician Rule, 20 C.F.R. § 404.1527(c)(1)-(6); and (4) failure to provide an accurate and logical bridge from

Plaintiff's daily activities and his capacity to perform full time work. (*Id.* at 14-19). The Commissioner has advised the Court that she does not intend to file objections to the R & R. (Dkt. No. 21).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', is written over a horizontal line.

Richard Mark Gergel
United States District Judge

Charleston, South Carolina
October 17, 2018